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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/507,496 | 08/18/2005 | Yoram Meidan | 3223-005 | 8535 |
| 22429 | 7590 | 03/08/2007 | EXAMINER | |
| LOWE HAUPTMAN BERNER, LLP | | | HARTMANN, GARY S | |
| 1700 DIAGONAL ROAD | | | ART UNIT | PAPER NUMBER |
| SUITE 300 | | | | 3671 |
| ALEXANDRIA, VA 22314 | | | | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/08/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/507,496 | MEIDAN, YORAM | |
| | Examiner | Art Unit | |
| | Gary Hartmann | 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-9,12,13 and 15-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5-9,12,13,15 and 16 is/are rejected.
 7) Claim(s) 8,9 and 17 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

Claim 16 is objected to because it appears to be worded as a product by process limitation. This recitation is improper because it presents a claim which does not further limit the parent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandish et al. (U.S. Patent 5,286,136) in view of Prosenz (U.S. Patent 4,376,594).

Mandish teaches a barrier arrangement including energy absorbing material; however, Mandish does not teach the coupled complementary surfaces. Prosenz teaches this configuration (Figure 5, for example) in order to obtain a barrier having good resistance to pushing and pulling forces. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured the complementary surfaces of Prosenz with the barrier of Mandish in order to obtain a barrier having connections best suited to a particular application.

The elements of Prosenz are generally trapezoidal in shape (Figure 8, for example). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this shape in order to obtain a barrier best suited to a particular application.

The coupling structure is a rod interconnecting two elements and traversing the horizontal surfaces (Figure 5, for example). Given the combination with Mandish, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a rod in order to properly connect the complementary surfaces.

Mandish teaches rubber as a material of construction.

Regarding claim 13, the lower portion of Prosenz has at least a circumference and a terminal end; thereby meeting the recitation of "multi-sided."

Regarding claims 15 and 16, given the combination of the structural shape of Prosenz and the material of Mandish, claim limitations would be met.

Claims 1-3, 5, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz, as applied above, and further in view of Mandish et al., as applied above.

Prosenz discloses the prismatic barrier arrangement having coupled complementary surfaces of two vertical and one horizontal surface (Figure 5). Prosenz does not teach the energy absorbing material located therein. Mandish teaches a barrier arrangement including energy absorbing material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the material of Mandish with the barrier of Prosenz in order to increase safety, in accordance with the teaching of Mandish.

The elements are generally trapezoidal in shape (Figure 8, for example).

The coupling structure is a road interconnecting two elements and traversing the horizontal surfaces (Figure 5, for example).

The material of Mandish includes rubber.

Regarding claim 13, the lower portion has at least a circumference and a terminal end; thereby meeting the recitation of "multi-sided."

Regarding claims 15 and 16, given the combination of the structural shape of Prosenz and the material of Mandish, claim limitations would be met.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mandish/Prosenz as applied above, and further in view of Smith (U.S. Patent 5,022,781).

Prosenz teaches the rod, but is silent regarding a bore. Smith teaches a barrier having a cup lined bore (34, Figure 3) for accommodating a rod. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the cup lined bore of Smith with the barrier of Prosenz/Mandish in order to strengthen the bore and/or easily manufactured the barrier having a bore therein.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandish/Prosenz/Smith as applied above, and further in view of Tagg (U.S. Patent 6,837,647).

The rod of Prosenz appears to be solid. Tagg discloses optionally interconnecting barriers with a tubular pin (Figure 7a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the pin of Tagg with the barrier of Prosenz in order to obtain a more secure connection, as taught by Tagg.

The pin of Tagg has integral anchor members (43).

Allowable Subject Matter

Claims 8, 9 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 16 January 2007 have been considered but are moot in view of the new grounds of rejection. Prosenz has been used as a teaching of a general shape in this Office action, not as a material of construction. Given the material of Mandish, there are no claim limitations in amended claim 1 not met by the combination. This also shows that the assertion that it is known to make barriers of rubber was correct.

Regarding claim 6, as requested by applicant, an additional reference has been cited in order to demonstrate that lining of a bore is known.

Regarding claim 7, the arguments are not persuasive. Applicant did not invent the tubular rod, nor the use of a tubular rod in barrier construction. The combination is within ordinary skill, as discussed above.

Regarding claim 17, upon further consideration, the reinforcement structure of Lembo would have been unnecessary in the structure of Mandish/Prosenz; therefore, the rejection has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

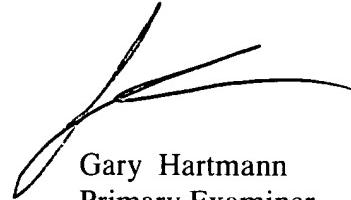
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gh



Gary Hartmann
Primary Examiner
Art Unit 3671